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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixtieth session

SUMMARY RECORD OF THE 1503rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 8 March 2002, at 3 p.m.

Chairman: Mr. AMIR
(Vice-Chairman)

later: Mr. DIACONU
(Chairman)

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Twelfth periodic report of Qatar

ORGANIZATIONAL MATTERS AND METHODS OF WORK (continued)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Twelfth periodic report of Qatar (CERD/C/360/Add.1)

1. At the invitation of the Chairman, Mr. Al-Sowaidi, Mr. Fahad Awaida Al-Thani, Mr. Al-Badr, Mr. Al-Khalifa, Mr. Al-Mansoury, Mr. Mohammed, Mr. Al-Merzougi, Mr. Bin J. Al-Thani, Mr. Al-Sulaity and Mr. Al-Mery (Qatar) took their places at the Committee table.

2. Mr. Al-Sowaidi (Qatar) said that the reason for the delay in handing in the ninth to twelfth period reports, submitted in one document (CERD/C/360/Add.1) as the twelfth periodic report, was that the Government had been engaged in the process of reviewing and updating legislation relating to the Convention and other human rights instruments. He gave his assurances that future periodic reports would be submitted on time. Since the consideration of Qatar's eighth periodic report (CERD/C/207/Add.1) in 1993, considerable progress had been made in the legislative and judicial spheres, partly in response to the Committee's recommendations. Qatar attached great importance to the work of the Committee under the Convention, with a view to achieving a society based on tolerance and understanding and in accordance with the aims of the United Nations Charter. Qatar was committed to complying with the provisions of the Convention and to protecting the rights enshrined in it and in other relevant human rights instruments, as borne out by its efforts in recent years to incorporate them in domestic law. By way of example, legislation had been enacted with respect to a number of instruments relating to international humanitarian law and peace and security, including the 1949 Geneva Conventions and other international agreements to combat terrorism, drug trafficking, trafficking in persons, pornography, money laundering and Internet crimes.

3. Legislation had also been introduced with the aim of amending the Provisional Constitution and firmly establishing democratic principles at all levels of Qatari society. According to article 1 of the amended Provisional Constitution, Qatar was an independent, sovereign Arab State with Islam as its religion and the Shariah as its main source of legislation. On the basis of the principle that all humans were equal before God, as revealed over the years by the prophets, no discrimination on the grounds of race, religion or gender was permitted. That principle was enshrined in article 9 of the Constitution. Thus racial discrimination was not only contrary to Qatari beliefs and the provisions of the Constitution, but also contrary to existing legislation. Any organization that engaged in propaganda for or acts of incitement to racial discrimination or hatred was punishable by law under article 83 of the Penal Code. Similarly persons who established or ran such organizations were subject to penalties under article 84 of the Penal Code. The victims of racial discrimination were eligible for compensation under civil and commercial laws.

4. Some of the most important legislation introduced since the submission of the eighth periodic report, primarily to comply with article 5 of the Convention, included: Decree No. 11 of 1999 establishing a committee to review and amend the Provisional Constitution within a period of three years; the Central Municipal Council Organization Act No. 12 of 1998 followed

by Decree No. 17 of 1998 allowing all Qatari men and women to stand for election and be represented in local government; the Social Security Act No. 38 of 1995 providing a State allowance for widows, the disabled, the elderly and the families of other persons unable to earn a living, such as missing persons and prisoners; Act No. 8 of 1998 allowing for the establishment of non-profit organizations for social, cultural, religious or charitable purposes, which did not engage in politics; and Decree No. 53 of 1995 establishing a supreme council of family affairs, followed by a decree in 1998 to achieve the aims of the Convention on the Rights of the Child and its optional protocol. In order to replace the Labour Act of 1962, new legislation had been introduced, covering vocational training and job creation for special needs groups as well as workers' associations and the settlement of disputes through collective bargaining. Moreover the president of the national courts had issued two rulings in 2002 allowing for complaints relating to labour contracts to be brought before the courts by the employees concerned free of charge.

5. Non-governmental organizations (NGOs) played an equally important role in Qatar in ensuring respect for human rights and combating all forms of racial discrimination, through the organization of meetings and dissemination of information to raise public awareness. An NGO forum had recently been held in Doha to foster dialogue on family matters and promote small-scale projects to assist poor families. A workshop to raise awareness about children's rights had also been organized under the auspices of the States of the Gulf Cooperation Council.

6. In conclusion, he said that the State was striving to implement the provisions of the Convention through binding legislation and decrees. All persons living in Qatar were equal before the law and free from any discrimination based on race, religion or ethnic origin. The beliefs, culture and values of Qatari society were fully in line with the basic principles of peace, justice and equality adopted by the international community through international instruments, which the State party was bound to uphold.

7. Mr. de GOUTTES (Country Rapporteur) said that prior to the presentation of the report he had had the opportunity to hold talks with the Qatari delegation, which he had found particularly useful. The Committee welcomed the fact that a dialogue had been re-established with the State party, as nine years had elapsed since the presentation of Qatar's eighth periodic report (CERD/C/207/Add.1).

8. In connection with consideration of that earlier periodic report, the State party had stated its intention to introduce or amend legislation to comply more fully with the provisions of the Convention and to provide additional information in the following periodic report, in response to the Committee's questions concerning the general situation in the country and the practical implementation of the articles of the Convention. However, the State party had not followed the Committee's general guidelines regarding the form and contents of reports when drafting the twelfth periodic report (CERD/C/360/Add.1). It did not have a first part providing general information concerning the institutional, political, social, economic and cultural situation in the country - although the introductory statement by the head of the delegation had shed some light on such matters. Furthermore the second part of the report dealt with measures taken to implement articles 2 to 7 of the Convention only and failed to address article 1. Also, the information given on the various relevant legislative and constitutional provisions was too abstract and did not provide a clear picture of the practical implementation of the Convention in the State party. A number of clarifications would therefore be necessary.

9. As far as the first, general part of the report was concerned, the Committee still needed accurate demographic information, as requested in connection with the eighth periodic report. According to his sources, in 2001 75 per cent of the total population (769,152) had been immigrant workers, mainly from other Arab States, although the number of workers coming from the Indian subcontinent and Iran had been steadily increasing. He expressed concern about whether the basic human rights and fundamental freedoms of those non-citizens were guaranteed.

10. He would also welcome more information on how recent economic developments affected the different sectors of the population. Qatar was one of the richest countries in the world, with one of the highest GDPs in the region (US$ 25,000 per inhabitant in 2000), which was expected to double again within three years.

11. There had been many positive developments in the socio-political sphere in recent years. As of 1995, the Amir had embarked on a process of modernization with a view to establishing democracy, whose milestones included the lifting of press censorship (1995), the first free municipal elections with the participation of women (1999), a review of the Constitution and legislation relating to fundamental freedoms, the announcement of the establishment of an elected parliament within 18 months (February 2001), and the ratification of the Convention on the Rights of the Child and the Convention against Torture.

12. Since the Committee was currently looking into the consequences of the events of 11 September 2001 and relevant anti-terrorist legislation in relation to the Convention, he sought clarification regarding Qatar's position on such matters. Apparently, the Government had condemned the terrorist attacks and had taken punitive measures against individuals or organizations suspected of being involved in such activities. It had also announced its intention to accede to the International Convention for the Suppression of the Financing of Terrorism.

13. With regard to implementation of articles 2 and 4 of the Convention, the Government maintained that racial discrimination was unknown in Qatari society because it was incompatible with the teachings of Islam and the Islamic Shariah. But no country was immune to racist phenomena, and he reminded the Qatari delegation that in its General Recommendations I, II and V, the Committee had repeatedly urged States to adopt specific legislation against racism, even if there was none, as a preventive, symbolic and educational measure. A mere general principle of non-discrimination in the Constitution or basic legislation was insufficient: specific provisions must be adopted under article 4 of the Convention to make such acts a criminal offence.

14. According to paragraph 16 (e) of the report, treaties that had become legally binding in Qatar could be invoked in the courts. Could the provisions of the Convention on the Elimination of all Forms of Racial Discrimination be invoked in the Shariah courts?

15. Turning to implementation of article 5 of the Convention, he pointed out that the enumeration of legislative provisions (paras. 17 to 59 of the report) guaranteeing various civil, political, economic, social and cultural rights without discrimination in Qatari law was somewhat abstract; the report did not provide specific examples of actual implementation.

16. Concerning the right to equal treatment before the tribunals (paras. 18 to 25), he noted that during the consideration of Qatar's eighth report (CERD/C/207/Add.1), the Committee had sought information on the law governing access to Shariah courts for victims of discrimination and on the respective jurisdiction of the secular and Shariah courts. What court had jurisdiction for cases opposing Qatari nationals or Muslims and non-Muslims? Could the latter bring a case before a Shariah court? There seemed to be a contradiction between article 9 of the 1972 Constitution, which proclaimed equality before the law, and the principles of the Shariah, which were placed above the law and provided for differing treatment for Muslims and non-Muslims.

17. According to paragraph 36 of the report, foreigners could be naturalized if they met the conditions set out under article 3, 4, 5, 9 and 12 of the nationality legislation. Could the delegation provide some information as to what those conditions were?

18. Concerning freedom of religion, he sought confirmation that religions other than Islam were protected and that their members could worship, provided that they did so in a manner that was within the limits of public order and that was not incompatible with Islamic observances (paras. 41 to 43). Was it true that Christianity had a privileged status? It was said that the economic and social status of non-nationals was a function of their country of origin and that Asians, occupying the lowest rung, were usually employed as manual labourers or domestic help, often in very difficult conditions. Could the delegation comment? He also sought clarification on reports of discrimination in access to health care, hospitals, electricity, water and schooling, which apparently were free of charge for citizens, except for foreigners.

19. The Committee regretted the lack of any data regarding implementation of article 6 of the Convention. Examples of prosecution initiated, judgements rendered and compensation paid to victims offered more tangible proof than mere references to existing legislation.

20. With regard to implementation of article 7 of the Convention, what measures had been taken or were planned to promote human rights education and inter-ethnic understanding among law-enforcement officers, members of the military, prison staff, judges etc. and to ensure a better dissemination in the country of the Convention and the Committee's concluding observations? Furthermore, were any measures planned to give effect to the recommendations of the Declaration and Programme of Action of the Durham Conference against Racism?

21. He urged Qatar to approve the amendment to article 8 of the Convention concerning the financing of the Committee and to consider making the declaration under article 14 recognizing the individual complaints procedure.

22. Mr. FALL noted that the Provisional Constitution continued to govern Qatari life, with the Shariah as legal basis, which the Committee understood and respected. The Provisional Constitution ensured the principle of the equality of all citizens before the law, without distinction as to race or sex (para. 2 of the report). He welcomed the creation of a committee of experts and specialists to draft a permanent constitution (para. 72) and the proposal to establish a national human rights committee (para. 73).

23. Concerning paragraph 8 of the report, according to which Qatar had no laws or regulations that permitted or perpetuated the practice of any act of racial discrimination, it should be pointed out that the Convention required States take measures actually to prohibit racial discrimination. The same remark applied to paragraph 14. With regard to implementation of article 4, he stressed the preventive role of legislative measures, even if manifestations of racial discrimination were not apparent. With reference to paragraph 34, why had restrictions been placed on women under 30 years of age for travelling abroad? What was the age of emancipation of women in Qatar?

24. In the case of foreigners wanting to leave the country (para. 35), he enquired on what basis a foreigner chose a sponsor upon arrival in Qatar. Was it really true that foreigners did not have the right to own real estate (para. 39)?

25. Mr. VALENCIA RODRIGUEZ, noting that Qatar had argued that there were no offences of racial discrimination or segregation to warrant the adoption of measures to prevent, prohibit or eradicate them (para. 14 of the report), referred the delegation to the Committee's Recommendation XIX and pointed out that income disparities sometimes gave rise to situations of racial segregation without the direct involvement of the authorities. With regard to the implementation of article 4 of the Convention, he said that legislation specifically prohibiting racial discrimination was obligatory for all States parties, even in cases where the phenomenon was said to be unknown: such provisions had a preventive function.

26. Turning to implementation of article 5 of the Convention, he said that the differences, referred to in paragraph 29, between the rights of naturalized citizens and those of Qataris, although understandable, should be reduced as much as possible. According to paragraph 35, foreigners required an exit guaranty to leave the country. He sought further information on that point so as to be able to assess its real scope and stressed that such legislation should concern all foreigners without any distinction. He enquired into the reasons for not permitting foreigners to own real estate (para. 39). Was that restriction applicable to all foreigners?

27. He sought more information on the working conditions of migrants. Did they enjoy the same working conditions as nationals? As to the right to form and join trade unions, he asked for further clarification concerning the consultative committees referred to in paragraphs 51 and 52, so as to be able to assess whether they discharged the same functions as trade unions.

28. The Committee commended Qatar on the unique benefits offered in the area of housing (paras. 53 to 55), as well as its health care, educational and occupational training services (paras. 56 to 58). Were those benefits available to all the inhabitants of the country? The Committee was also pleased that the provisions of the Convention had become part of domestic law (para. 71) and that its provisions must be applied in the secular courts, but reminded the delegation that the implementation of articles 4 and 6 of the Convention called for States parties to introduce specific legislation in that regard.

29. He asked the delegation to report to the Committee on the findings of the committee of experts and specialists formed to draft a permanent constitution (para. 72).

30. Mr. YUTZIS said that at a time of excessive secularization of society, he found Qatar's emphasis on spirituality to be particularly important.

31. Focusing first on article 4 of the Convention, he drew attention to the preventive purpose of legislation prohibiting racial discrimination. It was unfortunate that the report had failed to provide any statistical data on the question. Colonizers had systematically relied on the exploitation of differences among ethnic groups to retain power. He was certain that Qatari society had undergone such pressures, which would have left traces. The repeated assertion in the report that there were no racial problems in Qatar was therefore dubious. In the Committee's experience, it was always justifiable to question such assertions by States parties, for the reasons set out in General Recommendations I, VII and XV. It was no accident that the very first General Recommendation issued by the Committee dealt with the substance of article 4.

32. He asked for clarification concerning the provisions referred to in paragraph 36 of the report, which stated that nationality was granted to "indigenous" Qataris who had settled in the country before 1930. What exactly was meant by "indigenous"? What were the requirements set out in articles 3, 4, 5, 9 and 12 of the Nationality Act? Why did foreigners have to submit guarantees or present certificates before leaving the country, while Qatari citizens had no such obligation? The report stated that authorization must be obtained from the Minister of the Interior for marriages between Qataris and foreigners "in order to safeguard the public interest in view of the consequences of such marriages". If a decedent's heirs were of different religions, how would that constitute an obstacle to inheritance? The report stated that in the case of non-Qataris, the national law of the deceased applied. How was that done in practice? It was unclear from the report in what circumstances freedom of religious worship would threaten or undermine public order.

33. Did the State have a monopoly on the publication of educational textbooks, or were private educational establishments and others able to publish them freely? Were there any private schools in the country, and if so, what curricula and textbooks did they use? Referring to the Durban Programme of Action, he asked whether non-governmental organizations (NGOs) were ever involved in the formulation of educational material, and whether extracurricular activities to raise awareness against racism were encouraged. Were the media and press free in Qatar, or did the State exercise control over them? While he did not advocate the excessive licence given to the media, which in certain countries had become irreverent or offensive, he drew the delegation's attention to the dangers posed by State control over the media and the publication of textbooks.

34. Mr. Diaconu took the Chair.

35. Mr. ABOUL-NASR addressing the subject of State control over the media, said that in his opinion Qatar could be proud because it was home to Al-Jazeera television, a satellite channel which enjoyed a great deal of editorial freedom and had become extremely popular among Arabic speakers everywhere. It had expressed criticism of various Governments, including those in the Arab world, and Qatar's was no exception. Al-Jazeera's independence and importance had even been recognized by such western media as Cable News Network (CNN).

The Committee regularly asked Governments to take steps to disseminate information on the Convention. In that connection, he asked that the delegation request Al-Jazeera to present the Convention and the work of the Committee to its viewers, as that would do a great service to the cause of combating racial discrimination.

36. Noting the general principle according to which there was no crime or punishment except as defined by law, (para. 3 of the report), he asked why, according to paragraph 16, Qatar had not taken any measures to implement article 4 of the Convention. In those circumstances, how could the State party impose a penalty on a person who committed an offence of racial discrimination?

37. The application of separate laws and provisions for Muslims and non-Muslims was desirable, natural and necessary, as it was in everyone's interest. Certain countries which had tried to apply Islamic law to non-Muslims had found that policy to be a source of serious strife. Muslim laws governing inheritance, marriage and divorce were irreconcilable with other laws. He was not at all concerned about the fact that many manual jobs were done by Asians and other foreigners, as that was a natural state of affairs that could be seen in many countries. If a race was legally restricted to certain occupations, that would clearly be at variance with the Convention. However, that was not the case in Qatar, where Asians and other foreigners had sometimes amassed fortunes in banking and trade. The State party clearly was entitled under the terms of article 1, paragraph 2 to distinguish between citizens and non-citizens, for example in respect of the right to own property.

38. Mr. TANG Chengyuan asked how the State party could address the problem of racial discrimination if, as stated in the report, it had not adopted any legislation specifically addressing the phenomenon. He sought clarification as to the roles of the Provisional Constitution, the draft Constitution, Islamic law and the Penal Code in combating racial discrimination. While the report referred to the general principle of equality before the law embodied in the Provisional Constitution, it offered little specific information. General principles were not sufficient.

39. To justify the fact that there were no provisions for punishing acts of racial discrimination, the State party merely denied the existence of the problem. That argument was not well founded. Apart from the Committee's doubts about whether it was true, the possibility would always exist that a foreigner could arrive in Qatar and commit a racist act. He looked forward to finding out about specific measures taken and legislation adopted by the country in its next report.

40. Were there any problems related to the treatment of refugees or migrant workers? How were their rights ensured? What distinctions were made between Qatari citizens and non-citizens, or between naturalized citizens and "indigenous" Qataris?

41. Mr. BOSSUYT noted a number of positive aspects of the situation in Qatar, including full employment, high salaries, free medical care and education and the fact that the media was apparently uncensored. While the report stated that the exemption of foreigners from court fees was unparalleled in contemporary judicial systems, it might be pointed out that nearly all

systems exempted people from such fees without discrimination. The failure of the State party to adopt specific legislation against racial discrimination and segregation was a subject of concern, as was the reference in paragraph 16 (e) of the report to the possibility of applying capital punishment in cases involving racial discrimination.

42. Which specific conditions applied in cases of naturalization? Naturalized citizens were not given the same rights as people who were Qatari by birth. According to the report, naturalized Qataris enjoyed voting rights only after they had held citizenship for 15 years, and were not entitled to hold public office or stand for election for 5 and 10 years, respectively. That meant that the State party distinguished between people of the same nationality on the basis of the origin of their citizenship, a provision clearly at variance with the Convention.

43. Women under 30 years of age had to request authorization to travel overseas, which was an apparent case of sexual discrimination and a violation of their human rights. He considered that the requirements for foreigners to submit guarantees before leaving the country and for foreigners to obtain authorization from the Minister of the Interior before marrying were unwarranted. In some States the restriction on property ownership by foreigners could be justified, but the report gave no information to substantiate such a policy in Qatar's case. Lastly, while he understood the reason for having separate rules for inheritance by Muslims and non-Muslims, the total exclusion from inheritance of certain religious groups appeared to be excessive and unjustifiable.

44. Mr. THORNBERRY asked why the factors which should not give rise to discrimination that were listed in paragraph 2 did not include origin and religion, as stated in paragraph 18. What exactly was the wording of the Provisional Constitution in that regard? When the delegation referred to equality before the law, was the meaning restricted to equality before courts, or did the concept extend to equal protection before the law? What did the State party mean when it stated that Islamic Shariah was the principle source of the country's legislation? A source could be merely an inspiration, or it could provide more concrete precepts that would be interpreted and actually give substance to the law.

45. He asked what was meant by the reference to indigenous Qataris in paragraph 36. What was the difference between a Qatari and an indigenous Qatari? He joined with previous speakers in requesting details about the freedom of religious practice mentioned in paragraph 42. Furthermore, he would be most interested to learn how the education policy outlined in paragraph 58 worked in practice and, in that connection, wished to know if the curricula of foreign schools in Qatar were monitored by the State or if those schools were entirely separate from the Qatari education system.

46. Turning to paragraph 59, he would welcome additional information about any incompatibility of customs. He had the impression that there was a large, vibrant foreign community living in Qatar and would therefore like to hear more about the manner in which cultural issues were addressed.

47. He endorsed the comments already made about the importance of statistics, the symbolic value of laws and the need to deter racism. He, too, was of the opinion that practices and structures should be in place to counteract any adverse developments that might materialize in the future.

48. Mr. SHAHI said that he had been impressed by the detailed report, which provided a clear picture of the extent to which the Convention was implemented in Qatar. He noted, however, that although the Convention was part of the law of the land, no legislation had been passed to implement articles 2, 3, 4, 6 and 7, on the grounds that it was unnecessary to do so, since racism was unknown in Qatari society. He drew attention to the fact that the Committee had consistently held that article 4 was mandatory and must be implemented. Moreover, the felicitous state of affairs described in the report might not last and it would be advisable to have the requisite provisions on the statute book, so that racial discrimination could be punished if it ever occurred in the future.

49. The report had further stated that the amended Constitution banned acts of racial discrimination, but failed to disclose whether those acts were expressly outlawed, or whether their prohibition was merely implied by the principle of equality before the law. In view of the assertion that the Shariah took precedence over all other statutes and laws in the country, the next report should supply a detailed account of the provisions of the Shariah which forbade racial discrimination.

50. He thought that Qatar was setting the pace for modernization and that the Al Jazeera television station, which was located in the country, had greatly contributed to freedom of expression and had earned the admiration of the world.

51. Mr. KJAERUM welcomed the news that a human rights committee was to be established and wished to know what stage had been reached in that process and what sort of institution was being contemplated. Like Mr. Bossuyt and Mr. Thornberry, he was concerned by the different levels of citizenship existing in Qatar. Did that differentiation affect freedoms and rights other than the right to vote, where a distinction was drawn between citizens by birth and naturalized citizens? He asked the delegation to expand on the oral and written comments made in respect of migrant workers and whether more rights were progressively granted to foreigners the longer they stayed in the country.

52. Mr. PILLAI commented that, since non-governmental organizations were promoting small-scale projects and actively protecting the interests of the lower segments of society, civil society was obviously starting to play a large role in public life in Qatar. For that reason, he was curious to know how much civil society would be called upon to participate in the drafting of a permanent constitution for the country. He would also like clarification about the way the rules and regulations on the naturalization of foreigners operated in Qatar. How many people had been granted citizenship? What was the nationality of those people?

53. With reference to the first sentence of paragraph 68 of the report, he asked whether there had been any specific instances of the media drawing attention to crimes of racial discrimination and what form those crimes had taken. Lastly, he commented that he had been impressed by the initiative to promote education in the various mother tongues of the large number of foreign

communities present in Qatar and enquired how many schools of that kind existed and in what languages the pupils were taught. In his view, it was time that Qatar thought about integrating those schools in its own educational system.

54. The CHAIRMAN invited the head of the delegation of Qatar to respond to the Committee's comments.

55. Mr. AL-SOWAIDI (Qatar) said that Al Jazeera broadcasts could be received in Geneva and that the channel would be requested to highlight the Committee's endeavours to combat racial discrimination in all its forms and manifestations.

56. The delegation of Qatar withdrew.

ORGANIZATIONAL MATTERS AND METHODS OF WORK (agenda item 4) (continued)

Discussion of a reply to the letter from the High Commissioner for Human Rights, Mary Robinson, to the Committee concerning the international community's response to the events of 11 September 2001 (continued) (CERD/C/60/Misc.22/Rev.6)

57. After a discussion in which Mr. ABOUL-NASR, Mr. YUTZIS, Mr. de GOUTTES, Mr LINDGREN ALVES, Mr. BOSSUYT, Mr. THORNBERRY, Mr. RESHETOV, Mr. AMIR and Mr. TANG Chengyuan took part, the CHAIRMAN suggested that the text, as adopted the previous day, should be retained, save for a few minor editorial changes which would be made by Mr. Thornberry.

58. It was so decided.

The meeting rose at 6 p.m.